

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

-----X

PARLIN FUNDS LLC and THE PARLIN FAMILY
FOUNDATION,

Civil Action No. 1:13 cv 111

Plaintiffs,

-- against --

**STIPULATION
AND ORDER**

CITIBANK N.A.,

Defendant.

-----X

WHEREAS:

1. Parlin Funds LLC and The Parlin Family Foundation (the "Plaintiffs") in this action are also the plaintiffs in an action pending in the United States District Court for the Southern District of New York, styled Parlin Funds LLC and The Parlin Family Foundation v. Tyrone Gilliams, TL Gilliams LLC, Everette Scott, Jr., Elam & Scott, LLP, The Scott Law Group, L.L.C., Vassilis Morfopoulos, Basic International Development Corporation, The H.E.A.R.T.T. Foundation, Brett Smith a/k/a "Brett Angelson", J.R. Delgado and Global Fortress, Inc. 11 Civ. 2534 (ALC) (MHD) (the "SDNY Action").

2. Plaintiffs, in connection with the SDNY Action, served a subpoena upon Citibank, N.A. ("Citibank") requiring the production of documents, to which Citibank objected on the ground that the documents demanded reflected trade secret or other proprietary or confidential information.

3. On or around February 24, 2012, Plaintiffs and Citibank entered into a Protective Order (the "Protective Order", a copy of which is annexed to this Stipulation and Order) which provided, inter alia, (i) that Citibank could designate certain documents as "Confidential" or

“Attorneys’ Eyes Only”; (ii) that Plaintiffs could employ certain procedures to challenge such designations; and (iii) that, unless otherwise agreed by Citibank or ordered by a Court ruling on a challenge to such designation, the disclosure and use of documents so designated would be subject to certain restrictions, including a requirement that submissions to Courts hearing “Related Actions”, as that term is defined in the Protective Order, would either (a) be filed with the Clerk of such Court under seal and not be available for inspection, except by the Court and counsel of record; or (b) be submitted in camera only to such Court, as such Court may direct. The Protective Order was signed and entered by the Hon. Michael H. Dolinger, the Magistrate Judge presiding over all pretrial aspects of the SDNY Action, and remains in force.

4. On April 16, 2013, Citibank filed a Motion to Dismiss and Memorandum of Law in Support of Motion to Dismiss with the Clerk of the Court under seal.

5. On May 31, 2013, Plaintiffs filed a Memorandum of Law in Opposition to Motion to Dismiss with the Clerk of the Court under seal.

6. In accordance with Court rules, Citibank’s reply to Plaintiffs’ Memorandum of Law in Opposition to Motion to Dismiss would be due June 14, 2013.

7. However, by agreement of the parties, Citibank’s reply to Plaintiffs’ Memorandum of Law in Opposition to Motion to Dismiss has been extended to filed on or before June 28, 2013.

THEREFORE, by their undersigned counsel, Plaintiffs and Citibank stipulate and the Court hereby orders that Citibank may file a reply to Plaintiffs’ Memorandum of Law in Opposition to Motion to Dismiss with the Clerk of the Court under seal on or before June 28, 2013, without prejudice to the rights of Plaintiffs under the Protective Order subsequently to challenge Citibank’s designation of any document or information as “Confidential” or

“Attorneys’ Eyes Only” and without prejudice to any rights the parties to this action, or any other interested person, may have to move at a later date to unseal such responsive pleading to the Amended Complaint or any other document that may subsequently be filed under seal in this action.

STIPULATED AND AGREED:

/s/ Pierce E. Cunningham

Pierce E. Cunningham
441 Vine Street, Suite 3500
Cincinnati, Ohio 45202
Telephone: (513) 361-0100
*Attorneys for Plaintiffs, Parlin Funds LLC
and The Parlin Family Foundation*

/s/ Douglas L. Lutz

Douglas L. Lutz
Paige L. Ellerman
FROST BROWN TODD LLC
3300 Great American Tower
301 East Fourth Street
Cincinnati, Ohio 45202
Telephone: (513) 651-6800
Attorneys for Citibank, N.A.

SO ORDERED:


United States Magistrate